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EXAMINER	
ALAM, MUSHFIKH I	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/852,229	CRISTOFALO ET AL.	
	Examiner	Art Unit	
	MUSHFIKH ALAM	2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 October 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,5-9,20,22,24,29,32-39,42,43,46-66,69,70,72-74 and 77-80* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5-9,20,22,24,29,32-39,42,43,46-66,69,70,72-74 and 77-80* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/5/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/29/2008 have been fully considered but they are not persuasive.

Claim 1, Applicant argues that in Wasilewski, the PAT specifies the packet identifiers (PIDs) for the packets which carry Program Map Tables (PMTs) for the components of one or more programs on a transport stream. In other words, the PAT associates a program number with the transport packets that carry the PMT for that program. The PAT is always sent in packets with PID=0." (Wasilewski column 1, line 63 -column 2, line 1) This is clearly not "creating a data table, said data table identifying said plurality of subsets of digital programming components" because "said plurality of subsets of digital programming components" "comprises a unique combination of digital programming components ... wherein each subset of digital programming components is also a unit of differentiable programming content." (Applicant's claim 1) In summary, the PAT in Wasilewski identifies a program number to be associated with the transport packets that carry PMT; it does not identify subsets of digital programming components that are units of differentiable programming content.

The Examiner respectfully disagrees. The limitation "creating a data table, said data table identifying said plurality of subsets of digital programming components" broadly requires identifying sets of programming components. The PAT, PMT table of Wasilewski is interpreted as the data table identifying the transport streams (subsets) of

the programming. The Examiner acknowledges the differences as disclosed in the specification of the current application; however the claim does not reflect the disclosure in the specification. Wasilewski's tables are interpreted as the tables claimed in claim 1.

Applicant argues that Boucher does not disclose or tend to teach "defining a plurality of subsets...wherein each subset of digital programming components is also a unit of differentiable programming content" as arranged in claim 1 because in Boucher., no plurality of subsets are defined. Instead, Boucher only discusses the "storage of video files independent of the storage of audio files; and both video files and audio files are independent of the storage of the image element files." (Boucher p. 43, lines 8-13) Furthermore the Boucher reference does not teach the transmission of multiple different multi-media presentations (units of programming content) wherein the various different multi-media presentations are constructed from different combinations (subsets) of the same set of multi-media elements (digital programming components). In Boucher, each multi-media presentation is a single self-contained presentation ("The invention processes video, audio, and graphics/command data in a digital format designed to provide the highest quality pictures and sound within the least transmission bandwidth." Boucher p. 5, lines 22-24).

In response to Applicant's argument, Boucher is relied upon for defining a plurality of subsets wherein each subset is a unit of differentiable content. This is disclosed in Boucher in that they content may be grouped geographically, by affinity, profession, etc. These grouping are defined as subsets, each one being a differential

unit or type. Hensgen is relied upon for teaching that "each subset comprises a unique combination of digital programming components from multiple different possible combinations of said digital programming components." Hensgen discloses that audio tracks and video perspectives may be presented together with different audio tracks (i.e. languages) with different video perspectives. This is interpreted as a unique combination and is combinable with the independent storage of video/audio components in Boucher. In combination, Boucher, Ficco, Hensgen teaches this limitation.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5, 9-11, 13-39, 42-43, 46-74 and 77-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher et al. (WO 00/51310) in view of Ficco (US 2005/0166224) and further in view of Hensgen et al. (US 2003/0208771) and further in view of Wasilewski (US 5600378).

Claim 1, Boucher discloses a method of increasing a quantity of differentiable programming content (presentations, i.e., a composite data object; page 10, lines 8- 10;

page 12, lines 12-18; page 21, lines 7-18) available in a digital programming transmission stream (page 7, lines 24-page 8, lines 16) said method comprising:

Creating a plurality of digital programming components (data objects, Scripts, multimedia elements; page 26, lines 4-33; page 43, lines 1-7), the plurality of digital programming components utilizing a bandwidth of the digital programming transmission stream less than or equal to a bandwidth normally allocated for a standard digital programming segment, wherein the standard digital programming segment is a unit of differentiable programming content (page 40, lines 20-page 42);

Defining a plurality of subsets of the plurality of digital programming components to comprise a plurality of component programming segments wherein each component programming segment is also a unit of differentiable programming content (reads on grouping into or defining subgroups, i.e. geographic location, affinity groups or profession, from among data objects, Scripts, multimedia elements page 29, lines 26-page 30, lines 15; page 36, lines 30-page 37, lines 7; page 38, lines 2-3; page 43, lines 1-page 44, lines 15; page 53, lines 30-page 54, lines 20; page 59, lines 10-page 60, lines 32; and page 68, lines 17-32);

Boucher does not clearly disclose "Inserting the plurality of (component) programming segments and said data table into the digital programming transmission stream, wherein the plurality of (component) programming segments replace the standard digital programming segment in the digital programming transmission stream; wherein without increasing the bandwidth normally allocated for a standard digital

programming segment, the quantity of differentiable programming content available in the digital programming transmission stream is increased".

“more than one of the plurality of digital programming components capable of being presented to a user concurrently”.

“wherein each subset comprises a unique combination of digital programming components from multiple different possible combinations of said digital programming components”.

“creating a data table, said data table identifying said plurality of subsets of digital programming components”.

Ficco, in a similar art, discloses inserting the plurality of component programming segments (adapted Ads) into the digital programming transmission stream, the quantity of differentiable programming content available in the digital programming transmission stream is increased (see page 5, § 0071-0075).

Therefore, it would have been obvious to one of Ordinary skill in the art at the time the invention was made to modify Boucher with the teaching of Ficco so to provide a cost effective scalable multimedia content targeted at specific end users (page 1, §--10).

Hensgen, in a similar art, discloses “more than one of the plurality of digital programming components (i.e. audio tracks, video perspectives) capable of being presented to a user concurrently (simultaneously) (paragraph [0033])”.

“wherein each subset comprises a unique combination (i.e. combination of audio track and video perspective) of digital programming components from multiple different

possible combinations (i.e. other audio languages and other video perspectives) of said digital programming components" (paragraph [0033]).

Therefore, it would have been obvious to one of Ordinary skill in the art at the time the invention was made to provided combinations of video tracks and audio tracks as taught by Hensgen to the broadcasting compontents of Boucher, Ficco to allow users to choose viewing a program in a combination of different perspectives (paragraph [0010]).

Wasilewski, in a similar art, discloses "creating a data table (PAT), said data table identifying said plurality of subsets (transport streams) of digital programming components" (col. 1, lines 46-58).

Therefore, it would have been obvious to one of Ordinary skill in the art at the time the invention was made to provided standard tables as provided in MPEG-2 Systems standard as taught by Wasilewski to the system of Boucher, Ficco, Hensgen to identify the transport streams that are broadcasted (col. 1, lines 23-45).

Claim 3, as analyzed with respect to claims 1, Boucher in view of Ficco further discloses a method of receiving an increased quantity of differentiable programming content in a programming transmission system, the differentiable programming content received by at least one user via a digital programming transmission stream (see Boucher; page 69, lines 22-page 70, lines 17) in which limitation

"Receiving a plurality of digital programming components in the digital programming transmission system, the plurality of digital programming components

utilizing a bandwidth of the digital programming transmission stream less than or equal to a bandwidth normally allocated for a standard digital programming segment, wherein the standard digital programming segment is a unit of differentiable programming content" reads on Ficco (see page 5, § 0071-0075); and limitation

"Selecting one of said programming content segments as a selected programming content segment (ads) for presentation a plurality of subsets of the plurality of digital programming components, wherein each subset comprises at least one component programming segment, and the plurality of subsets of the digital programming components replace the standard digital programming segment in the digital programming transmission stream, wherein each component programming segment is also a unit of differentiable programming content; wherein, without increasing the bandwidth normally allocated for a standard digital programming segment, the quantity of differentiable programming content received in the digital programming transmission stream is increased" reads on Ficco (see page 2, § 0036; page 3, § 0039, 9--443-0044 and page 5, § 0071-0075).

Claims 5 and 9, Boucher (data objects, Scripts, multimedia elements; page 26, lines 4-33; page 43, lines 1-7) in view of Ficco further discloses generating data commands, said data commands identifying targeted audience profile for each of said plurality of subsets of digital programming components (page 21, lines 12-18; page 59, lines 10-33; page 68, lines 23-32) in view of Ficco (page 1, {}0013);

inserting the data commands into the digital programming transmission stream (Boucher, page 35, lines 5-3; page 62, lines 15-30 and Ficco, page 5, § 0071-0075).

Claim 10, Boucher (page 40, lines 20-page 42, lines 21; page 51, lines 22- Col. 52, lines 20) in view of Ficco, (page 4, § 0054-0062) further discloses wherein the standard digital programming segment is reduced in quality and therefore utilizes less than the bandwidth normally allocated for a standard digital programming segment. Claim 11, Boucher (page 40, lines 20-page 42, lines 21; page 51, lines 22- Col. 52, lines 20) in view of Ficco, (page 4, § 0054-0062) further discloses wherein the standard digital programming segment is reduced in quality and therefore utilizes less than the bandwidth normally allocated for a standard digital programming segment.

Claim 13, Boucher (data objects, Scripts, multimedia elements; page 26, lines 4-33; page 43, lines 1-7) in view of (page 5, § 0071-0075) further disclose wherein the plurality of digital programming components is received in the digital programming transmission stream in addition to the standard digital programming segment.

Claim 14, Boucher (page 40, lines 20-page 42, lines 21; page 51, lines 22- Col. 52, lines 20) in view of Ficco, (page 4, § 0054-0062) further discloses wherein the standard digital programming segment is reduced in quality and therefore utilizes less than the bandwidth normally allocated for a standard digital programming segment.

Claims 15 and 16, Boucher (page 26, lines 4-8) in view of Ficco, (page 4, § 0054-0062) further discloses wherein the plurality of digital programming components is selected from the group consisting of: video, still-frame video, audio, graphics, text, animation, and media objects.

Claim 17, Boucher (page 44, lines 1-7) in view of Ficco further discloses wherein the audio comprises less than CD-quality audio.

Claim 18, Boucher (page 41, lines 17-24) in view of Ficco further discloses comprising digitally compressing the plurality of digital programming components.

Claim 19, Boucher (page 67, lines 28-31) in view of Ficco further discloses comprising digitally decompressing the plurality of digital programming components.

Claim 20, Boucher (page 31, lines 11-page 32, lines 15) in view of Ficco further discloses wherein the digital programming transmission stream is carried over a transmission medium selected from the group consisting of: terrestrial television broadcast, cable, satellite, microwave, radio, telephony, wireless telephony, digital subscriber line, fiber optic, a personal communications network, and a communication network.

Claim 22, Boucher (page 31, lines 11-page 32, lines 15) in view of Ficco further discloses wherein the digital programming transmission stream is received over a transmission medium selected from the group consisting of; terrestrial television broadcast, cable, satellite, microwave, radio, telephony, wireless telephony, digital subscriber line, fiber optic, a personal communications network, and a communication network.

Claim 24, Boucher (page 68, lines 29-32) in view of Ficco (page 5; § 0075) further discloses wherein the differentiable programming content comprises advertising programming content.

Claim 26, Boucher (page 23, lines 20-25; page 43, lines 15-20; page 60, lines 19-20) in view of Ficco (page 3; 0044-0047 and page 5, §0075-0076) further discloses comprising synchronizing the plurality of digital programming components.

Claim 29, Boucher (page 21, lines 12-18; page 59, lines 10-33; page 68, lines 23-32) in view of Ficco (page 1, {}0013) further discloses wherein the processing said data commands to select one of said programming content segments user profile information.

Claim 32, Boucher (page 23, lines 28-32; page 25, lines 31-page 26, lines 8; page 54, lines 25-33; page 56, lines 29-33; page 58, lines 28-30) in view of Ficco (page

1, §0013; page 3, §0043 and page 6, §0086) further discloses comprising outputting the selected programming content segment to a presentation device for presentation to the at least one user

Claim 33, Boucher (page 23, lines 28-32; page 25, lines 31-page 26, lines 8; page 54, lines 25-33; page 56, lines 29-33; page 58, lines 28-30) in view of Ficco (page 1, §0013; page 6, §0086) further discloses comprising switching from a first programming content segment to a second programming content segment.

Claim 34, Boucher (page 23, lines 28-32; page 25, lines 31-page 26, lines 8; page 54, lines 25-33; page 56, lines 29-33; page 58, lines 28-30) in view of Ficco (page 1, §0013; page 3, §0046-0047 and page 6, §0086) further discloses comprising outputting the first and second programming content segment in sequence to a presentation device for presentation to the at least one user, and wherein the step of switching is seamless, whereby the switch is performed without a delay perceptible by the at least one user.

Claim 35, Boucher (page 21, lines 25,29, 33; page 32, lines 20-22) in view of Ficco (page 1 §0009) further discloses wherein the presentation device comprises a device selected from the group consisting of: television, radio, video tape player, audio tape player, digital video disk player, compact digital disk player, minidisk player, digital

file player, video game player, computer, personal digital assistant device, telephone, wireless telephone, and a telephony device for the deaf.

Claims 36 and 38 are analyzed with respect to method claims 1 in which the combination of Boucher (Fig. 1, el. 135A..X, Fig. 2, and Fig. 3; el. 360A..X) in view of Ficco would yield to a system comprising various components as claimed, for example an encoder, a transmitter, so to perform the function as claimed.

Claims 37 and 39, Boucher in view of Ficco discloses a system for receiving an increased quantity of differentiable programming content in a programming transmission system, the differentiable programming content received by at least one user via a digital programming transmission stream is analyzed with respect to method claim 3. The system further inherently comprises a tuner, a decoder and processor so to perform as disclosed.

Claims 42 and 43 are analyzed with respect to claim 9.

Claims 46 and 47 are analyzed with respect to claim 13.

Claim 48, a system as described in claim 42, claim 43, claim 46, or claim 47 is analyzed with respect to claim 10.

Claim 49, a system as described in claim 36, claim 37, claim 38, or claim 39 is analyzed with respect to claim 15.

Claim 50 is analyzed with respect to claim 16.

Claim 51 is analyzed with respect to claim 17.

Claim 52, Boucher further discloses a system as described in claim 36 further comprising a digital compressor (see Fig. 3, 373. 383) that compresses the plurality of digital programming components (360A-X and 365).

Claim 53, Boucher further discloses a system as described in claim 38 further comprising a means (see Fig. 3, 373. 383) for digital compressing the plurality of digital programming components before they reach the combining means (360A-X and 365).

Claims 54 and 55 limitations "further comprising a digital decompressor that decompresses the plurality of digital programming components, and wherein the processor further coordinates and directs the function of the decompressor" and "further comprising means for digitally decompressing the plurality of digital programming components, and wherein the processing means further coordinates and directs the function of the decompressing means" are inherently met by Boucher receiving system so to perform as disclose.

Claim 56, Boucher further discloses a system as described in claim 36 further comprising a synchronization component, said synchronization component synchronizes the plurality of digital programming components (page 23, lines 20-25; page 43, lines 15-20).

Claim 57, Boucher (page 23, lines 20-25; page 43, lines 15-20; page 60, lines 19-20) in view of Ficco (Fig. 3 and Fig. 5) further discloses a system as described in claim 38 further comprising a means for synchronizing the plurality of digital programming components before they reach the combining means.

Claim 58, Boucher further discloses a system as described in claim 36 further comprising a modulator that modulates the digital programming components before they reach the transmitter (see Fig. 2; el. 250A..X).

Claim 59, Boucher further discloses a system as described in claim 38 further comprising a means for modulating the digital programming components before they reach the transmitting means Fig. 2; el. 250A..X).

Claim 60, Boucher further discloses a system as described in claim 36 further comprising a memory for storing the plurality of digital programming components (see Fig. 3, el. 301).

Claim 61, Boucher further discloses a system as described in claim 38 further comprising a means for storing the plurality of digital programming components before they reach the combining means (see Fig. 3, el. 301).

Claim 62, Boucher further discloses a system as described in claim 36 wherein the at least one component programming segment is targeted to the at least one of the plurality of users based upon the user profile information of the at least one of the plurality of users, to provide particular differentiable programming content to the at least one of the plurality of users" is further met by Boucher (page 21, lines 12-18; page 59, lines 10- 33; page 68, lines 23-32) in view of Ficco (page 5, §0069-0075), as analyzed with respect to the above claim 29.

Claim 63, "wherein the at least one programming content segment is targeted toward the at least one user to provide particular differentiable programming content to the at least one user, and wherein the signal selector further selects the at least one programming content segment based upon information in the at least one subset of the plurality of digital programming components that the at least one component programming segment is targeted to the at least one user." is further met by Boucher (page 21, lines 12-18; page 59, lines 10-33; page 68, lines 23-32) in view of Ficco (page 5, §0069-0075), as analyzed with respect to the above claim 30.

Claim 64, "further comprising a memory for storing user profile information of the at least one user, wherein the signal selector further selects the at least one programming content segment that is targeted to the at least one user based upon the user profile information of the at least one user." is further met by Boucher (page 21,

lines 12-18; page 59, lines 10-33; page 68, lines 23-32) in view of Ficco (page 5, §0069-0075), as analyzed with respect to the above claim 31.

Claim 65 is further met by Boucher in view of Ficco with respect to the above analysis of claim 20.

Claim 66 is further met by Boucher in view of Ficco with respect to the above analysis of claim 22.

Claim 69 is further met by Boucher in view of Ficco with respect to the above analysis of claim 22.

Claim 70 is further met by Boucher in view of Ficco with respect to the above analysis of claim 24.

Claim 72 is further met by Boucher in view of Ficco with respect to the above analysis of claim 33.

Claim 73 is further met by Boucher in view of Ficco with respect to the above analysis of claim 34.

Claim 74 is further met by Boucher in view of Ficco with respect to the above analysis of claim 35.

Claim 77, A method of receiving an increased quantity of differentiable advertising segments in a programming transmission system, the differentiable advertising segments received by at least one user via a digital programming

transmission stream is further met by Boucher in view of Ficco with respect to the above analysis of claim 3.

Claim 78 is further met by Boucher in view of Ficco with respect to the above analysis of claim 15.

Claim 79, Boucher (page 45, lines 8-15) in view of Ficco further discloses wherein the step of receiving further comprises receiving the at least one command code in the digital programming transmission stream.

Claim 80, Boucher (page 45, lines 8-15) in view of Ficco further discloses comprising receiving the at least one command code from a user via a user interface.

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSHFIKH ALAM whose telephone number is (571)270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mushfikh Alam/

Examiner, Art Unit 2426
1/15/2009

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